UNITED
NATIONS

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Economic and Social
Council

Distr.
GENERAL

E/CN.4/2000/WG.13/2/Add.2
16 December 1999

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

Inter-sessional open-ended Working Group
on a draft optional protocol to the
Convention on the Rights of the
Child on involvement of children
in armed conflicts
Sixth session
Geneva, 10-21 January 2000

COMMENTS ON THE REPORT OF THE WORKING GROUP

Report of the Secretary-General

Addendum

The present document contains comments submitted by the Centre for International Crime Prevention of the United Nations Office for Drug Control and Crime Prevention and by the United Nations Children's Fund (UNICEF).

GE.99-16400 (E)

Centre for International Crime Prevention

[Original: English]
[15 November 1999]

The Centre for International Crime Prevention of the United Nations Office for Drug Control and Crime Prevention would welcome the minimum age for recruitment of children for direct or indirect involvement in hostilities being set as 18 years of age. The growing tendency is to consider the age of majority to be 18, regardless of whether national legislation stipulates an earlier age for majority.

United Nations Children's Fund (UNICEF)

[Original: English]
[8 November 1999]

Because UNICEF is operational before, during and after armed conflicts in many countries, the agency has seen many of the same children that it has helped nurture, immunize and educate become systematically brutalized in armed conflicts and often recruited or abducted to join armies. Many of the estimated 300,000 children worldwide currently engaged in armed conflict - some of whom are under age 10 - have witnessed or taken part in acts of unspeakable violence, often against their own families or communities.

While the Convention on the Rights of the Child urges Governments to take all feasible measures to ensure that children have no direct part in hostilities, with respect to child soldiers it cites 15 as the minimum recruitment age. In addressing recruitment of adolescent children aged 15 to 18, the Convention specifically states that States parties should "give priority to those who are oldest". Achieving international consensus on this issue proved difficult during the Convention negotiating process and so article 38 falls short of a complete ban on the recruitment of adolescent children.

Recent UNICEF experience in Sierra Leone and elsewhere indicates both the tragic consequences of recruiting child soldiers and the incredible difficulties involved in demobilization. We look forward to a time when there will no longer be thousands of children around the world fighting the wars of adults.

As part of an Anti-war Agenda that works for a culture of peace, reconciliation and reconstruction, and of its Peace and Security Agenda, UNICEF urges the adoption of an optional protocol to the Convention on the Rights of the Child that would forbid the recruitment and participation in armed conflict of all children below age 18. UNICEF firmly believes that protection only becomes meaningful if a clear ban is imposed on the direct and indirect participation of children below 18 in hostilities, regardless of whether they have been forced to join or have voluntarily decided to join armed forces or armed groups.

In establishing 18 as a minimum age for participation in United Nations peacekeeping operations, the United Nations set an important precedent and bolstered the efforts of those pushing for an optional protocol to the Convention. The United Nations further recommended that this policy serve as an example for police and military forces worldwide.

It is UNICEF's hope that the tenth anniversary of the entry into force of the Convention on the Rights of the Child and the beginning of a new century will be used by States around the world as a special opportunity to finalize the drafting and ensure the adoption of the optional protocol and to set a clear international ban on the recruitment of children into armed forces or groups and the participation of children in hostilities. This will certainly be a decisive contribution towards the universal realization of children's rights.